

REMARKS

Applicant thanks the Examiner for allowing claim 17.

I. Amendments

Reconsideration of rejections and objections in the Application is respectfully requested. Upon entry of the foregoing amendments, claims 7-9, 12, 13, 16, 17, 19-22, 24 and 26 are pending.

Claim 25 is canceled. Applicant respectfully requests entry of the above amendment and submits that the amendment does not introduce new matter.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and objections and that they be withdrawn.

II. Claim Rejections

Claims 7-9, 12, 13, 16 and 25 are rejected. Claims 7-9, 12 and 13 are rejected under nonstatutory double patenting while claim 16 is rejected for double patenting under 35 U.S.C. § 101. Claim 25 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claim 8 is rejected under 35 U.S.C. § 112, second paragraph, as failing to particularly point out and distinctly claim the subject matter of the invention.

Double Patenting

Claims 7-9, 12 and 13 stand rejected as not being patentably distinct from claims 6-13 of U.S. Patent No. 6,344,217 ("the '217 patent"). A Terminal Disclaimer of the '217 patent is filed herewith. Therefore, this rejection is moot.

Claim 16 stands rejected as being identical in scope to claim 9 of the '217 patent. Applicant respectfully traverses this rejection. Claim 16 in the Application is distinct from claim 9 of the '217 patent because claim 16 in the Application further limits the scope of claim 9 of the '217 patent to a method "wherein administration of putamen ovi stimulates the metabolic performance of osteoblast-specific transcription factors, or the differentiation of precursor cells to osteoblasts, or simulates the provision of bone-specific alkaline phosphatase, collagens, and of osteopontin and osteocalcin." To the extent that the Examiner determines that the additional limitation of claim 16 in the Application is not patentably distinct from claim 9 of the '217

patent, the Terminal Disclaimer filed herewith will overcome any obviousness-type double patenting rejection. Therefore, Applicant respectfully requests that this rejection be withdrawn.

35 U.S.C. § 112 ¶1

Applicant thanks the Examiner for withdrawing the rejection of claims 7, 8, 13, 16, 17 and 26 for lack of enablement. Claim 25, however, is still rejected as allegedly failing to enable one skilled in the art to use the invention for treating anemia. Claim 25 is canceled. Therefore, this rejection is moot.

35 U.S.C. § 112 ¶2

Claim 8 is rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Applicant respectfully traverses this rejection. In claim 8, “stimulation of the provision of bone-specific alkaline phosphatase or collagens” is intended to specify that the medicament affects or enhances expression or biosynthesis of bone-specific alkaline phosphatase or collagens. Therefore, Applicant respectfully requests that this rejection be withdrawn.

III. Claim Objection

Claim 26 was found to be allowable subject matter but was objected to because it depends on rejected claim 9. As state above, claim 9 is now in condition for allowance, and thus, the objection is moot.

CONCLUSION

Applicant respectfully submits that this application is in condition for allowance, and such disposition is earnestly solicited. Should the Examiner believe anything further is desirable in order to place the Application in even better condition for allowance, the Examiner is invited to contact the Applicant's undersigned representative.

Respectfully submitted,
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